IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA SOUTHERN DIVISION

	7:15-CR-25-1H 7:16-CV-370-H	,
TARLESTER GREEN, Petitioner,)	
v.))	ORDER
UNITED STATES OF AMERICA, Respondent.))	

This matter is before the court on petitioner's motion to vacate pursuant to 28 U.S.C. § 2255, [DE #197, #214]. This matter was stayed pending the Fourth Circuit's resolution of <u>United States v. Walker</u>, 934 F.3d 375 (4th Cir. 2019), and <u>United States v. Simms</u>, 914 F.3d 229 (4th Cir. 2019). [DE #210]. In light of the Supreme Court's resolution of <u>United States v. Davis</u>, 139 S. Ct. 2319 (2019), and the Fourth Circuit's decision in <u>United States v. Mathis</u>, 932 F.3d 242 (4th Cir. 2019), the stay is hereby lifted.

The government is directed to file an Answer, pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate, within twenty-one (21) days of the filing

of this order. Petitioner shall then have twenty-one (21) days to file a response, if appropriate.

This 24 day of October 2019.

Malcolm J. Howa

Senior United States District Judge

At Greenville, NC #35